

So Ordered.



Frank L. Kurtz

**Frank L. Kurtz
Bankruptcy Judge**

Dated: September 24th, 2012

UNITED STATES BANKRUPTCY COURT

IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: 11-03679-FLK11

**SUSAN L. BENSON, d/b/a BENSON
FAMILY FUNERAL SERVICE, INC.,**

Chapter 11

FINDINGS OF FACT

Debtors.

THIS MATTER coming before the Court upon the issues raised by Debtor's request for confirmation of Debtor's Second Amended Plan of Reorganization ("Plan") and based upon the evidence produced, the Court now makes the following:

FINDINGS OF FACT

1. Debtor's Second Amended Plan of Reorganization was filed herein on July 13, 2012 and was submitted to Creditors and other parties in interest;

Findings of Fact-1

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1 2. That subject to the terms of the Confirmation Order the Plan has been
2 accepted in writing by the creditors and equity security holders whose acceptance is
3 required by law; and

4 3. That the provisions of Chapter 11 of the United States Code have been
5 complied with and the Plan has been proposed in good faith and not by any means
6 forbidden by law; and

7 4. That (a) each holder of a claim or interest has accepted the Plan or will
8 receive or retain under the Plan property of a value, as of the effective date of the Plan,
9 that is not less than the amount that such holder would receive or retain if the Debtor was
10 liquidated under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate
11 unfairly, and is fair and equitable with respect to each class of claims or interests that is
12 impaired under, and has not accepted the Plan; and

14 5. All payments made or promised by the Debtor or by a person issuing
15 securities or acquiring property under the Plan or by any other person for services or for
16 costs and expenses in, or in connection with, the Plan and incident to the case, have been
17 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed
18 after confirmation of the Plan, will be subject to approval of the Court; and

20 6. Confirmation of the Plan is not likely to be followed by the liquidation, or the
21 need for further financial reorganization of the Debtor, or (b) if the Plan is a plan of
22 liquidation, the Plan sets a time period in which liquidation will be accomplished, and
23 provides for the eventuality that the liquidation is not accomplished in that time period; and

24
25 Findings of Fact-2

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7. That pursuant to the Plan, the following acts or events constitute substantial consummation of the Plan: sixty (60) days following Confirmation, provided that Debtor have paid all installments provided by this Plan to be paid within that time.

8. Creditors were given Notice of Confirmation and no objections thereto were made, or if made, have been resolved or overruled.

9. It is proper that Debtor's Plan be confirmed, subject to the following:

a. The "Stipulation Resolving Objections to Plan by Sterling Savings Bank" filed herein is approved and shall control notwithstanding any provisions of the Plan to the contrary.

b. Notwithstanding any other provision of the Plan to the contrary, the Plan treatment of the claim of Tri County Economic Development District ("Tri Co") shall be modified as follows:

i. It shall be paid the sum of One Thousand Dollars (\$1,000.00) per month as and for adequate protection until paid in full. The first payment shall be made within thirty (30) days of the sale and closing of Funeral Home and Chapel (Art. I, def. #24); and

ii. Tri Co shall retain its lien upon and in Cemetery and Crematorium.

//END OF ORDER//

PRESENTED BY:

SOUTHWELL & O'ROURKE, P.S.

BY:/s/ Dan O'Rourke
DAN O'ROURKE, WSBA #4911

Findings of Fact-3

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